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Oct 13 2009

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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
ALEXANDRIA DIVISION

BELL

CIVIL ACTION 08-0084

VERSUS

U.S. DISTRICT JUDGE DEE D. DRELL

J. C. PENNEY, et al

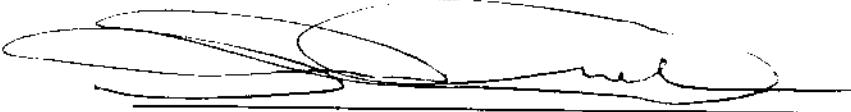
U.S. MAGISTRATE JUDGE JAMES D. KIRK

JUDGMENT

For the reasons stated in the Report and Recommendation of the Magistrate Judge previously filed herein, and after an independent (de novo) review of the record including the objections filed by petitioner, and having determined that the findings and recommendation are correct under the applicable law;

IT IS ORDERED that the motion for summary judgment, Doc. #22, and supplemental motion for summary judgment, doc. #32, as well as the Daubert motion to exclude Dr. Christensen's testimony, doc. #37, are all DENIED.

THUS DONE AND SIGNED, in chambers, in Alexandria, Louisiana, on this 12 day of October, 2009.


Dee D. Drell
UNITED STATES DISTRICT JUDGE